

03-475 CHENEY v. U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Ruling below: CA DC, In Re Richard B. Cheney, 334 F.3d 1096

QUESTIONS PRESENTED

1. Whether the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 1, §§ 1 et seq., can be construed, consistent with the Constitution, principles of separation of powers, and this Court's decisions governing judicial review of Executive Branch actions, to authorize broad discovery of the process by which the Vice President and other senior advisors gathered information to advise the President on important national policy matters, based solely on an unsupported allegation in a complaint that the advisory group was not constituted as the President expressly directed and the advisory group itself reported.
2. Whether the court of appeals had mandamus or appellate jurisdiction to review the district court's unprecedented discovery orders in this litigation.

CERT. GRANTED: 12/15/03